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Customized PTO/SB/21 (09-06)

TRANSMITTAL FORM (for all correspondence after initial filing)	Application #	09/787,195
	Confirmation #	6088
	Filing Date	April 17, 2001
	First Inventor	DAMES
	Art Unit	1743
	Examiner	Alexander, Lyle
Total number of pages in this submission =	Docket #	P07109US00/BAS


ENCLOSURES (check all that apply)	
<input type="checkbox"/> Fees calculated below	<input type="checkbox"/> Reply to Missing Parts/Incomplete Application
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> including Attachment(s)	<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> After Final Amendment/Reply	<input type="checkbox"/> Drawing(s)
<input type="checkbox"/> including Attachment(s)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Extension of Time Petition	<input checked="" type="checkbox"/> Copy of RCE filed on July 20, 2006
<input checked="" type="checkbox"/> Petition to withdraw abandonment – no abandonment in fact	<input checked="" type="checkbox"/> Copy of PTO Stamped Receipt dated July 20, 2006

FEES CALCULATION: For claims if required and/or other fees as shown below:					
	NOW	Previously Paid For	Present Extra	Rate	\$
<input type="checkbox"/> TOTAL CLAIMS		- 20		X \$ 50 =	
<input type="checkbox"/> INDEPENDENT CLAIMS		- 3		X \$ 200 =	
TOTAL OF ABOVE CLAIMS FEES =					
<input type="checkbox"/> Reduction by 1/2 for small entity status of applicant					
SUBTOTAL =					
<input type="checkbox"/> Fee for extension of time (per attached Petition)					
<input type="checkbox"/> Other fee for					
TOTAL OF ALL FEES =					

☐ Payment by credit card. FORM PTO-2038 in the amount of \$ is attached.

- ☒ The Director is authorized to charge any fee, additional fee or extension fee due in connection herewith to Deposit Account No. 12-0555:
- (1) If no payment or an insufficient payment is enclosed and a fee is due in connection herewith; or
 - (2) If no petition for extension of time is enclosed but an EOT is required - and in this event, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely.

Date: April 4, 2007


By: B. Aaron Schulman
Registration No.: 31,877

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**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT**

UNDER MPEP §711.03(c) &

37 CFR § 1.181(a) --

NO ABANDONMENT IN FACT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

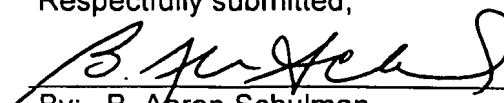
S I R:

A Notice of Abandonment for the above-identified application was mailed on March 16, 2007, which indicated that this application was abandoned by failure to respond to the Final Rejection mailed April 26, 2006, setting a three (3) month period for response. However, the US Patent Office is in error in that an RCE in response to the Office Action was timely filed on July 20, 2006, and this RCE requested entrance of the response previously filed on June 26, 2006. Therefore, there was no abandonment in fact and the Notice of Abandonment has been mailed in error. In evidence of the timely filing of the response, enclosed herewith is a *copy* of the **RESPONSE** timely filed on July 20, 2006, together with a *copy* of the **stamped receipt** for this response showing that the response was timely filed.

In view of the fact that there was no abandonment in fact, withdrawing of the holding of abandonment pursuant to MPEP §711.03(c) and resumption of examination is requested. The Petition is filed without fee due to the USPTO error, and thus no fee is required.

Respectfully submitted,

Date: April 4, 2007


By: B. Aaron Schulman
Registration No.: 31,877

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Customized PTO-2038 (2-2006)

UNITED STATES PATENT AND TRADEMARK OFFICE

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Request and Payment Information

☒ PATENT FEE - For: RCE Filing Fee - Small; Request for Suspension of Action - \$200

Appln. No.: 09/787,195 Confirmation No.: 6088

☐ PATENT MAINTENANCE FEE: Patent No.: Appln. No.:☐ TRADEMARK FEE - For:

Appln. No.: Regis. No.: Mark:

Attorney Docket No.: P07109US00/BAS

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Examiner	Alexander, Lyle
Docket #	P07109US00/BAS

PAPERS SUBMITTED

- | | |
|---|--|
| <input checked="" type="checkbox"/> RCE Transmittal Form | <input type="checkbox"/> IDS: Including |
| <input type="checkbox"/> Amendment/Response | <input type="checkbox"/> List of References |
| <input type="checkbox"/> with Attachments | <input type="checkbox"/> Search Report |
| <input type="checkbox"/> Amendment/Response After Final | Refs. Transmitted |
| <input type="checkbox"/> with Attachments | <input type="checkbox"/> Statement of Relevance |
| <input type="checkbox"/> Petition for Extension of Time | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Response to Missing Parts | <input type="checkbox"/> Publication Fee Transmittal |
| <input type="checkbox"/> Declaration | <input type="checkbox"/> Letter to Draftsman |
| <input type="checkbox"/> Translation of Application | sheets of formal drawings |
| <input type="checkbox"/> Assignment | (figs.) |
| <input type="checkbox"/> Priority Document | <input type="checkbox"/> Notice of Appeal |
| <input checked="" type="checkbox"/> Fee of \$595 (CREDIT CARD - PTO-2038) | <input type="checkbox"/> Appeal Brief |
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| <input type="checkbox"/> | <input type="checkbox"/> |

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